IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2520 OF 2007

IN

APPEAL (L) NO.428 OF 2007

AND

APPEAL (L) NO.428 OF 2007

IN

SUIT NO.8 OF 2007

...

M/s.llahi Builders ...Appellant
(orig.Plaintiff)

v/s.

Jamunadas Topandas & ors. ...Respondents
(orig.Defendants)

...

Mr.S.K.Dubey for the Appellant.

Mr.N.C.Parikh i/b Mansukhlal & Hiralal for the Respondent No.1.

...

CORAM: D.K.DESHMUKH &
J.H.BHATIA, JJ.
DATED: 8TH AUGUST, 2007

P.C.:

Assuming that there is sufficient cause shown for condonation of delay, we heard the learned Counsel for the Appellant on merits.

2. Perusal of the order impugned shows that the agreement of which specific performance is sought is dated 2-12-1983. Under the agreement, a sum of Rs.22,00,000/- was to be paid within three months. But only an amount of Rs.4 lakh has been paid. Third party interests have been created. Those persons have not been joined as parties. There is no case on meirts. Motion & Appeal are, therefore, disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)